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February 21, 2025

BY ECF

Hon. Vera M. Scanlon, U.S.M.J

U.S. District Court, Eastern District of New York

225 Cadman Plaza East

Brooklyn, New York 11201

Re: Masciarelli v. New York City Department of Education
E.D.N.Y. Docket No. 22-cv-07553-CBA-SJB

Dear Magistrate Judge Scanlon:

This law firm represents the Plaintiff in the above-referenced Action. This letter shall serve as the parties' joint letter updating the Court on the status of discovery in this Action.

The parties have exchanged all documentary evidence that has been demanded. The Plaintiff was deposed on May 21, 2024.

On February 7, 2025, the Defendant New York City Department of Education ("Defendant") served an anonymous spreadsheet pursuant to Judge Amon's November 7, 2024 Order.

The only outstanding discovery are two depositions of two witnesses identified by the Defendant in possession of knowledge relating to this matter – Katherine Rodi and Eric Eichenholtz.

In addition, the Plaintiff may be serving Subpoenas Ad Testificandum upon non-parties. The Plaintiff is in conversations with one non-party to arrange a deposition of the non-party who participated in the negotiations between the Defendant and the Plaintiff's union concerning the implementation of the Vaccine Mandate.

The Plaintiff needs an additional 90 days to complete discovery in this Action.

Defendant does not consent to the non-party depositions and intends to move to quash any subpoena served upon said non-parties. Defendant believes that these depositions are unnecessary and entirely inappropriate in the context of this action. Additionally, Defendant submits that a 90-day extension to complete discovery is excessive and constitutes an unreasonable delay. As stated

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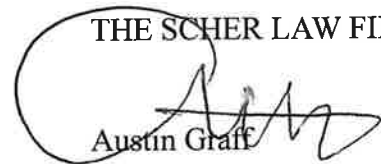
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above, the parties have exchanged all documentary evidence, and Defendant conducted Plaintiff's deposition in May 2024. Given the current status of discovery, Defendant is willing to consent to a 45-day extension.

The Defendant's counsel has reviewed this letter and consents to its filing.

Thank you for your courtesies.

Respectfully submitted,

THE SCHER LAW FIRM, LLP

Austin Graff

ARG:ms

cc: Counsel of Record (by ECF)